

MYSORE LEGISLATIVE ASSEMBLY

SEVENTH DAY

Monday, 10th December 1962

The House met in the Assembly Hall, Vidhana Soudha, Bangalore, at One of the Clock.

MR. DEPUTY SPEAKER, (SRI A. R. PANCHAGAVI, B.A., LL.B.) in the Chair.

STARRED QUESTIONS

(to which oral answers were given)

Recovery of Surcharge Amount required to be paid by the Land Holder to the Government from the Land Mortgage Banks registered under the Co-operative Societies Act.

*Q.—5. Sri C. S. HULKOTI (Mundargi).—

Will the Government be pleased to state:—

(a) whether it has come to their notice that the surcharge amount required to be paid by the landholder to the Government under the recent Land Revenue Surcharge Act, 1961 is proposed to be recovered from the Land Mortgage Banks registered under the Co-operative Societies Act by the Revenue Officers;

(b) whether they have any objection to recover the surcharge amount which is practically land revenue itself from the original landholder and the present mortgagor-lessee;

(c) whether any representation has been made by the Gadag Co-operative Land Mortgage Bank Ltd., Gadag, in this connection;

(d) what action is taken by them thereon?

A.—Sri M. V. KRISHNAPPA (Minister for Revenue).—

(a) There are no instances of recovery of surcharge from the Land Mortgage Banks. But, however, when the Land Mortgage Bank becomes the landholder as defined in Section 2 (1) of the Mysore Land Revenue (Surcharge) Act, 1961 it shall have to pay surcharge as per Section 3 of the said Act.

(b) When the land is mortgaged with possession to the Land Mortgage Bank and the name of the Bank is entered in the Kabjedar column of record of right, then the Bank becomes the landholder as defined in the Act and it shall be liable for payment of surcharge.

(c) Yes.

(d) The matter is under consideration.

Sri C. S. HOLKOTI.— Is it a fact that the land revenue is actually collected from the original owner-tenant?

Sri M. V. KRISHNAPPA.—Under the Surcharge Act, surcharge is payable by the title owner of the land. If the Land Mortgage Bank is in possession of it, they have to pay.

ಶ್ರೀ ಸಿ. ಎಸ್. ಹುಲ್ಲೋಟಿ.—ಜಮೀನಿನ ಮೇಲೆ ಲ್ಯಾಂಡ್ ರೆವಿನ್ಯೂ ಕೊಡುತ್ತಾ ಇದ್ದಾರೆ. ಅವರ ಕಡೆಯಿಂದ ಹಾಲಿ ಅದನ್ನು ವಸೂಲಿ ಮಾಡುತ್ತೀರೋ ಅಥವಾ ಇಲ್ಲವೋ?

ಶ್ರೀ ಎಂ. ವಿ. ಕೃಷ್ಣಪ್ಪ.—ಲ್ಯಾಂಡ್ ರೆವಿನ್ಯೂ ಅನ್ನು ಅವರೇ ಕೊಡುತ್ತಾರೆ.

ಶ್ರೀ ಸಿ. ಎಸ್. ಹುಲ್ಲೋಟಿ.—ಸರ್‌ ಛಾರ್ಜ್‌ ಸಹ ಲ್ಯಾಂಡ್ ರೆವಿನ್ಯೂ ಆಗುತ್ತದೆ. ಅದನ್ನು ಅವರಿಂದ ವಸೂಲು ಮಾಡುವುದಕ್ಕೆ ಏನು ಆತಂಕವಾಗುತ್ತದೆ?

ಶ್ರೀ ಎಂ. ವಿ. ಕೃಷ್ಣಪ್ಪ.—ಸರ್‌ ಛಾರ್ಜ್‌ನ್ನು ಲ್ಯಾಂಡ್ ರೆವಿನ್ಯೂನಲ್ಲಿ ಇಕ್‌ಕ್ಯೂಡ್ ಮಾಡಿಲ್ಲ.

For the purpose of collection it is treated as land revenue. It cannot be included as land revenue because if we do so, then the farmer is liable to pay cesses over that surcharge also. If surcharge forms part of land revenue as you say, then cesses will have to be collected on surcharge also.

ಶ್ರೀ ಸಿ. ಎಸ್. ಹುಲ್ಲೋಟಿ.—ಲ್ಯಾಂಡ್ ಮಾರ್ಟ್‌ಗೇಜ್ ಬ್ಯಾಂಕ್ ಲೋನ್ ಎಸ್ಮೆಂಟ್ ಸೆಕ್ಯೂರಿಟಿ ಸಲುವಾಗಿ ಲ್ಯಾಂಡ್ ತೆಗೆದುಕೊಂಡಿದೆ. ಕರಾರು ಪ್ರಕಾರ ಅವರೇ ಸರ್‌ ಛಾರ್ಜ್‌ ಕೊಡಬೇಕಾಗುತ್ತದೆ. ಲ್ಯಾಂಡ್ ಮಾರ್ಟ್‌ಗೇಜ್ ಬ್ಯಾಂಕ್ ನಿಂದ ಅದನ್ನು ವಸೂಲು ಮಾಡುವುದಾದರೂ ಸಹ, ಅದನ್ನು ಮೂಲ ಹಿಡುವಳಿದಾರನ ಖತೆಗೇ ಖರ್ಚು ಹಾಕಬೇಕಾಗುತ್ತದೆ. ಅದಕ್ಕೆ ಏನು ಬಡ್ತಿ ಆಗುತ್ತದೆಯೋ ಅದನ್ನು ಆ ಮೂಲ ಹಿಡುವಳಿದಾರನಿಂದ ವಸೂಲು ಮಾಡುವುದಕ್ಕಾಗುತ್ತದೆಯೋ?

ಶ್ರೀ ಎಂ. ವಿ. ಕೃಷ್ಣಪ್ಪ.—ನಾನು ಗದಗ್‌ಗೆ ಹೋಗಿದ್ದಾಗ ಮಾನ್ಯ ಸದಸ್ಯರು ಈ ವಿಷಯವನ್ನು ಹೇಳಿದರು. ನಾನು ಬೆಂಗಳೂರಿಗೆ ಬಂದ ತಕ್ಷಣ ಅದನ್ನು ಎಗ್ಜಾಮಿನ್ ಮಾಡಿದೆ. ಆ ವಿಷಯದಲ್ಲಿ ಸ್ವಲ್ಪ ಲೀಗಲ್ ಇಂಪಿಕ್ಲಿಕೇಶನ್ ಬಂದಿದೆ. ಈಗ ಇರುವ ಕಾನೂನು ಪ್ರಕಾರ ಸರ್‌ ಛಾರ್ಜ್‌ ಅನ್ನು ಲ್ಯಾಂಡ್ ಹೋಲ್ಡರ್ ಕೊಡಬೇಕಾಗುತ್ತದೆ. ಏತಕ್ಕೆಂದರೆ ಅವನು ಜಮೀನನ್ನು ಆಧಾರ ಮಾಡಿಕೊಂಡಿರುತ್ತಾನೆ. Whoever gets into the shoes of the land holder is liable to pay. ಆದ್ದರಿಂದ ಸೆಕ್ಯೂಲರ್ ಹೊರಡಿಸಿ ಕಲೆಕ್ಟ್ ಮಾಡುವುದಕ್ಕೆ ಬ್ಯಾಂಕಿಗೆ ಅನುಕೂಲವಾಗಬಹುದು. ಆದರೆ ಅವನು ಕೋರ್ಟಿಗೆ ಹೋದರೆ ಕ್ಲಾಷ್ ಆಗಬಹುದು. ಆದ್ದರಿಂದ ಅದನ್ನು ಎಗ್ಜಾಮಿನ್ ಮಾಡುತ್ತಿದ್ದೇವೆ. ಅದೂ ಅಲ್ಲದೆ ಬೊಂಬಾಯಿ ಟೆನೆನ್ಸಿ ಅಕ್ಟಿನ ಸೆಕ್ಷನ್ ಅನ್ನು ಅಮೆಂಡ್ ಮಾಡುತ್ತೇವೆ. ಅದನ್ನು ಮಾಡುವುದರಿಂದ surcharge can be collected by the bank from the tenant.

ಶ್ರೀ ಸಿ. ಎಸ್. ಹುಲ್ಲೋಟಿ.—ಅದು ಕೋರ್ಟಿಗೆ ಹೋಗುವ ಕಾರಣ ಬರುವುದಿಲ್ಲ. ಅದರ ಕರಾರು ಮತ್ತು ಮಾರ್ಟ್‌ಗೇಜ್ ಡೀಡ್ ಬಂದು ಅಗ್ರಿಮೆಂಟ್ ಇರುತ್ತದೆ. ಗಾರ್ಡಮೆಂಟಿಗೆ ಕೊಡುವುದು ಬರುವುದರಿಂದ ಆ ಪ್ರಶ್ನೆ ಬರುವುದಿಲ್ಲ. ಇದು ತಮ್ಮ ಗಮನಕ್ಕೆ ಬಂದಿದೆಯೇ?

Sri M. V. KRISHNAPPA.—If it is possible, we shall certainly help the Land Mortgage Bank. I will examine it.

Sri G. V. GOWDA.—How can land revenue be collected as such from Land Mortgage Bank?

Sri M. V. KRISHNAPPA.—Landholder is liable to pay land revenue, whoever is the landholder. By mortgaging that land and title, if the Bank gets the title, the Bank gets into the shoes of the landholder and the Bank is liable to pay under the Act.

ಶ್ರೀ ಸಿ. ಎಸ್. ಹುಲ್ಲೋಟಿ.—ಅವರು ಓನರ್ ಅಲ್ಲ. ಬರೀ ಮಾರ್ಟ್‌ಗೇಜ್ ಇರುತ್ತಾರೆ.

Sri M. V. KRISHNAPPA.—Mortgage with possession is treated as holder.

Sri G. V. GOWDA.—When the Mortgage Bank comes into possession of the land, it is liable to pay.

Sri M. V. KRISHNAPPA.—The Bank when it gets mortgage gets into the shoes of the landholder. They become landholder and the original landholder becomes the tenant.

Sri G. V. GOWDA.—Does the Hon'ble Minister mean that the possession of the land gets transferred to the Land Mortgage Banks and in such cases the Land Mortgage Banks are liable to pay.

Sri M. V. KRISHNAPPA.—In the land who is landholder is very well defined.

Sri D. PARAMESWARAPPA.—May I know whether it is simple mortgage or usufructuary mortgage in this case? What is the nature of the mortgage?

Sri M. V. KRISHNAPPA.—I do not know. Whatever be the nature, under the Land Revenue Cess Act 1961, the landholder is very well defined. So, under that Act, that landholder who has been defined there has to pay. If the Bank gets into the shoes of the landholder by mortgaging that land, they are liable to pay.

Sri G. V. GOWDA.—Getting into the shoes of another becomes complicated. I want to know if it is a mortgage with bank with possession, whether the Bank is liable to pay?

Sri M. V. KRISHNAPPA.—If you read the Surcharge Act, you will understand.

Sri G. V. GOWDA.—Suppose the Mortgagee Bank is in possession of the land?

Sri M. V. KRISHNAPPA.—It is not defined so. For example, in Bombay, landholder is not in possession of the land. He will rent his land to the tenant. But he is the landholder. There is a tenant as well as a landholder.

Sri K. H. RANGANATH.—In how many cases Bank is in possession of the land that is mortgaged to the Bank?

Sri M. V. KRISHNAPPA.—We have not got the list of cases where lands are mortgaged to land mortgage Banks.

Sri G. V. GOWDA.—Are there any instances where mortgage banks have been asked to pay surcharge?

Sri M. V. KRISHNAPPA.—It is so in Bombay. That is why Sri Hulkoti has brought this question.

ಶ್ರೀ ಕೆ. ಪಿ. ರೇವಣಸಿದ್ಧಪ್ಪ.—ತಾವು ಸಂಚಾರ ಹೋಗಿದ್ದಾಗ ಅದನ್ನು ಅವರು ತಮ್ಮ ಗಮನಕ್ಕೆ ತಂದರು. ಅದಕ್ಕೆ ತಾವು ಅದರಲ್ಲಿ ಲೀಗಲ್ ಇಂಪ್ರೋವ್‌ಮೆಂಟ್ ಕೇಷನ್ ಬರುತ್ತದೆ. ಅದನ್ನು ನೋಡುತ್ತೇನೆಂದು ಅಪ್ಪಣೆ ಕೊಡಿಸಿದ್ದರಿ. ತಾವು ಅಲ್ಲಿಗೆ ಸಂಚಾರ ಹೋಗಿ ಬಂದು ಎಷ್ಟು ದಿನಗಳಾಯಿತು?

ಶ್ರೀ ಎಂ. ವಿ. ಕೃಷ್ಣಪ್ಪ.—ನಾನು ಅಲ್ಲಿಗೆ ಸಂಚಾರ ಹೋಗಿ ಎರಡು ಮೂರು ತಿಂಗಳಾದುವು. ಅಸೆಂಬ್ಲಿ ಸೇರಿದಾಗ ಅಸೆಂಬ್ಲಿಯಲ್ಲಿ ಕಾನೂನು ಬದಲಾವಣೆ ಮಾಡಬೇಕಾಗುತ್ತದೆಯೆಂದು ಸುಮ್ಮನೆ ಇದ್ದೆವು. ಈಗ ಬೊಂಬಾಯಿ ಟೆನೆನ್ಸಿ ಆಕ್ಟ್‌ನ 10ನೇ ಕ್ಲಾಜಿನಲ್ಲಿ (a) ಕಾಲಂ ಚೀಂಜ್ ಮಾಡಿದ್ದೇವೆ. ನಾಳೆ ದಿನಕ್ಕೆ ಅಥವಾ ಇವತ್ತು ಅದರ ಬದಲಾವಣೆ ಬರಬಹುದು.

Sri G. V. GOWDA.—When land mortgage Banks are required to pay surcharge, would they in turn get it from the person who has leased this land to them?

Sri M. V. KRISHNAPPA.—That is why we intend to amend the Bombay Tenancy Act 1942. Then the Landholder is entitled to recover the surcharge also from this tenant.

Rehabilitation of the Flood Victims in Kollegal Taluk.

*Q.-27. Sri G. V. GOWDA(Palya).—

Will the Government be pleased to state:—

(a) whether the rehabilitation work for the flood victims in Kollegal Taluk is completed;

(b) if not, the reasons therefor;

(c) whether the Kollegal Taluk Development Board has sought grants under various items of rehabilitation work and if so, whether grants have been made available?

A.—Sri M. V. KRISHNAPPA (Minister for Revenue).—

(a) and (b) The rehabilitation work is almost complete in five villages. Village sites have been allocated and the villagers are being persuaded to occupy the new sites. It is expected that the remaining work will also be completed during this year.